



ORDER below exh -1

1. The present application has been initiated and pursued under the provisions of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "the DV Act"), seeking monetary relief, compensation, and other allied claims from the Respondent-husband.
2. During the pendency of the present proceedings, a categorical submission along with supporting documentation was advanced on behalf of the Respondent, bringing to the formal notice of this Court that the original applicant wife, **Nitaben Prahladbhai Patel**, has unfortunately passed away on 16-06-2026. In authentication of the said fact, a death certificate at exh. **37** issued by the competent registering authority has been placed on record, the authenticity of which remains undisputed. However, the mother of the deceased wife has sought to continue the prosecution of the present case for the award of compensation and financial recovery and has not declared the demise of her daughter neither is ready and willing to withdraw the matter as cause no longer survives.
3. Heard the submissions advanced by the counsels for the parties and perused the statutory framework as well as the judicial precedents governing the field. The core issue that arises for consideration before

this Court is whether an application seeking monetary relief and compensation under the DV Act can be sustained, prosecuted, or independently inherited by the mother or legal heirs of the deceased wife following her demise, in the absence of any surviving issues.

4. At the outset, it is imperative to examine the structural scheme of the DV Act. The remedies envisaged under Sections 18, 19, 20, and 22 of the DV Act including residence orders, monetary relief, and compensation for mental torture and emotional distress are exclusively carved out for an "aggrieved person," which is statutorily defined under Section 2(a) of the Act ***as any woman who is, or has been, in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence.***
5. The Hon'ble Bombay High Court in the landmark matter of **Kanaka Kedar Sapre & Ors. v. Kedar Narhar Sapre & Ors.** categorically held that the right to claim monetary reliefs, protection orders, and compensation under the DV Act are strictly personal, statutory, and inalienable rights belonging exclusively to the living aggrieved person. These rights do not survive the death of the aggrieved woman, nor can they be independently maintained, inherited, or prosecuted by third parties or legal representatives including parents who attempt to step into the shoes of the deceased to extract financial compensation. While Section 12 enables "any other person" to present an application *on behalf* of an aggrieved person, it presupposes the existence and active standing of a living aggrieved person; it does not confer an independent,

standalone right upon relatives to initiate or prosecute claims after her unfortunate demise.

6. Furthermore, looking into the liability matrix, the obligations of a respondent-husband under the domestic violence jurisprudence are intrinsically tied to maintaining and securing the marital rights of his living spouse during the subsistence of the relationship. There is no provision under the law that extends a continuing mandate to pay compensation or personal damages to the in-laws or parents of the deceased wife, particularly when there are no children or issues born out of the wedlock to represent legal dependency. In light of the undisputed death of the wife, substantiated by the death certificate on record, and applying the settled principle that personal statutory rights under the DV Act stand extinguished upon the demise of the primary victim, the present application is rendered legally untenable. The mother of the deceased cannot maintain or prosecute these proceedings any further for personal compensation or financial recovery and therefore in the interest of justice below order is passed.

Order

- The present application stands **dismissed as non-maintainable** owing to the demise of the aggrieved wife applicant **Nitaben Prahladbhai Patel**.

Place: Mansa

Date: 24/07/2026

(Ms. Damini Dixit)
JMFC, Mansa
GJ01698